

EXHIBIT 4



Feds to look into case of 4 Cleveland police officers accused of beating a suspect

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Stan Donaldson, The Plain Dealer
By

Correction: A previous version of the story incorrectly stated the County Prosecutor's Office received a subpoena from a federal grand jury. The subpoena was issued to the Cleveland Police Department.

CLEVELAND, Ohio -- A federal grand jury will investigate accusations that four Cleveland police officers severely beat a 40-year-old Cleveland Heights man on New Year's Day after a chase through the city.

The grand jury's entry into the investigation could turn it into a civil rights case, which would be the second time federal prosecutors have investigated Cleveland police in 11 years.

A federal grand jury issued a subpoena this week to the Cleveland Police Department regarding the criminal investigation of city officers Martin Lentz, Paul Crawford, Christopher Randolph and Kevin Smith. They are accused of beating Edward Henderson, who was arrested and charged with felonious assault after he led police on a nearly eight-minute, 90 mph car chase through the city.



Enlarge

Lonnie Timmons III, The Plain Dealer

Cleveland Police Officer Christopher Randolph was charged with felonious assault and obstruction of official business stemming from the arrest of a Cleveland Heights man who led them on a car chase on New Year's Eve.

Cuyahoga County Prosecutor Bill Mason said Wednesday that his office met with prosecutors from U.S. Attorney Steven Dettelbach's office. The federal grand jury will determine if more charges are warranted and how the case should proceed.

Cleveland Police officer charged gallery (4 photos)

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All of the officers have been charged with felonious assault and obstruction of official business. Their cases were bound over to the county last month.

Henderson, who has a bipolar disorder, said officers beat him after he pulled over his Pontiac minivan near East 38th Street and South Marginal Road. He suffered a broken nose, broken eye socket and detached retina. He remains in Cuyahoga County Jail.

Police said he led them on a wild chase after he nearly hit two officers involved in a traffic stop on Superior Avenue.

His civil attorney, David Malik, who filed a complaint with the FBI about the incident, said he is pleased that federal authorities are stepping in.

"It is consistent with what the U.S. attorney's office recently stated about being more focused on civil rights cases," Malik said. "The skill level of the federal investigators trumps the local guys, and sometimes the local guys need that help."

In 2000, the Justice Department opened an investigation into whether Cleveland police routinely violated citizens' constitutional rights. It found widespread problems with police guidelines for using force and investigating these incidents.

The chief of the Justice Department's Special Litigation Section criticized police in a 2002 letter, questioning the competency, thoroughness and impartiality of use-of-force investigations. To avoid the possibility of federal sanctions imposed on other cities, the Police Department promised improvements.

With federal authorities investigating, the public can have greater confidence in the results because of their independence from state and local authorities, who work closely together, said Geoffrey Mearns, provost at Cleveland State University and former dean of the Cleveland-Marshall College of Law.

Jonathan Witmer-Rich, a professor at the college of law, said the grand jury could recommend charges that include civil rights violations.

 **HENDERSON,
EDWARD D.jpg**

Cuyahoga
County Sheriff's
Office

Edward Henderson

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"Local county officials who work with the police regularly face institutional and political pressure when they investigate police conduct," Witmer-Rich said.

Henry Hilow, the attorney who represents officer Smith, said he respects the type of investigation federal authorities will conduct. He said the case is in the discovery phase and everyone is still learning the details of the incident.

"At the end of the day I'm confident these officers that have been charged will be vindicated," he said.

Steve Loomis, president of the Cleveland Police Patrolmen's Association, said the union does not object to the federal authorities stepping into the investigation.

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